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BOARD OF APPEALS AND INTERFERENCES

2569-0103P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Wells OBRECHT Conf.: 8032
Appl. No.: 08/900,360 Group: 3623
Filed: July 25, 1997 Examiner: S. MEINECKE DIAZ
For: METHOD AND APPARATUS FOR PROCURING
GOODS IN AN AUTOMATED MANNER

REPLY TO LETTER OF EXAMINER DATED NOVEMBER 29, 2002

Attn: Board of Appeals
4Assistant Commissioner for Patents
Washington, DC 20231

December 31, 2002

Sir:

Facts

In a letter of November 29, 2002, the Examiner responded to a third remand.

Initially, the reference to Source Interactive Software identified as documents (U, V, W, X, U2 and V2) were discussed in the Brief of March 12, 2001.

The Examiner's statement from the Final Office Action of September 12, 2000 set forth in paragraph 2, line 10 of the above letter, is in part correct. The full context of the Examiner's position is found on page 3, last paragraph of the Final Office Action.

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Based on the Final Office Action in the Brief, page 21, the Applicant raised the question, **“What exact date is th Patent Offic Relying on?”**

In reply to the answer to the above question by the Examiner, a Declaration was filed dated June 28, 2001:

Summary

- (A) The Declarations filed do present evidence that on or before December 14, 1995, Applicant properly presented evidence to establish invention on or before that date. No Declaration is filed regarding the August 22, 1995 date.
- (B) The Examiner has presented no factual evidence in the above letter dated June 28, 2001, why the Declarations filed are not sufficient. See Appellants comments in a letter dated October 17, 2002.
- (C) It is submitted that the Declarations filed do establish a date to December 14, 1995, the only remaining base reference is therefore “U”. The reasons why this reference combined with the secondary reference is insufficient has been previously presented and need not be repeated here. See, for example, the Brief and Reply Brief.
- (D) Even assuming the Declarations are insufficient, which they are not, arguments appear in the record why a rejection under 35 U.S.C. 103 is improper and will not be repeated here.

(E) It is agreed with the Examiner in the Letter noted above, that no further response is needed from the Examiner.

(F) The inventor awaits notification of an Oral Hearing.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By 

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